

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

**WALTER RAGLIN,**

**Case No. 1:00-cv-00767**

**Petitioner,**

**Judge: Michael R. Barrett**

**v.**

**Magistrate Judge: Michael R. Merz**

**BETTY MITCHELL,**

**Respondent.**

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**MOTION TO STAY AND HOLD IN ABEYANCE FOR SIXTY DAYS**

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Now comes Carol A. Wright, counsel for Petitioner, and requests this Court stay this case and hold in abeyance for 60 (sixty) days. The reasons for this request are set forth in the accompanying memorandum.

Respectfully requested,

/s/Carol A. Wright  
Assistant Federal Defender  
Capital Habeas Unit  
Federal Defender's Office  
Southern District of Ohio  
10 W. Broad Street, 10<sup>th</sup> Flr.  
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**MEMORANDUM IN SUPPORT OF MOTION  
TO STAY AND HOLD IN ABEYANCE**

This Court granted Attorney Jim Owen's motion to withdraw and appointed Stephen Nolder, Federal Public Defender for the Southern District of Ohio to represent Petitioner in this matter on August 30, 2008. Mr. Nolder subsequently assigned undersigned counsel of the Capital Habeas Unit to this case. This case is pending before Judge Barrett on Petitioner's Objections filed on July 18, 2006 to the Supplemental Report and Recommendations filed by Magistrate Judge Merz. The case was transferred to Judge Barrett in February of 2008.

Petitioner requests this sixty (60) day stay in order for new counsel to review the record and former counsel's file in order to determine whether there are additional pleadings or issues that need to be raised or more fully developed at this time. The current record reflects, at best, a strained relationship between former counsel and petitioner as evidenced by several requests for new counsel by petitioner. (See, Doc. 103, 105, 113) Those requests include specific complaints about counsel's failure to provide pleadings to petitioner and failure to request an evidentiary hearing. The Court's Supplemental Report and Recommendation also makes mention of the failure to request an evidentiary hearing. (Doc. 100, p. 5) Former counsel acknowledged his inability to represent Mr. Raglin in any meaningful way. (Doc. 115-3, Exhibit B, Affidavit of James Owen)

Current counsel recognizes that Petitioner's ability to raise additional issues or more fully develop issues at this time may be extremely limited. Nevertheless, counsel, at a minimum, needs to familiarize herself with the record in order to properly represent Petitioner at this time and in future litigation much of which is governed by strict jurisdictional time frames. (See, i.e., Fed. R. 59(e)) Once Judge Barrett issues a decision on the objections, there will be a very limited time

frame for any response by Petitioner.

Petitioner does not move for this stay in an attempt to delay the proceedings. Counsel has begun review of the district court docket and decisions. Moreover, she met with Petitioner on August 29, 2008. She has arranged to pick up former counsel's files on September 4, 2008. These files are voluminous, comprising some twenty-two (22) bankers boxes of materials. She has already contacted former counsel, Randy Alden and Kevin Durkin, and requested a conference with them to discuss the case. She will immediately begin her review of the files collected from counsel.

For the foregoing reasons, Petitioner requests this Court grant the motion and hold the case in abeyance for sixty (60) days until November 3, 2008.

Respectfully requested,

/s/Carol A. Wright  
Assistant Federal Defender  
Capital Habeas Unit  
Federal Defender's Office  
Southern District of Ohio  
10 W. Broad Street, 10<sup>th</sup> Flr.  
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Counsel for Petitioner  
Walter Raglin

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this Notice of Appearance was filed electronically this 3rd day of September, 2008. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/Carol A. Wright  
Assistant Federal Defender

